

Key Definitions

Dark/Dead Fiber

In the Final Order of the UNE Triennial Review, the FCC should not change the current definition of dark fiber provided for in paragraph 174 of the *Local Competition Third Order and Report* (15 FCC Red 3696). The language in the Order should state:

(i) *Dark Fiber*. Dark fiber is defined as an end-to-end fiber that has not been activated through connection to the electronics that “light” it, and thereby render it capable of carrying communications services. Because it is in place and easily called into service, dark fiber is analogous to “dead count” or “vacant” copper wire that is connected end-to-end and carriers keep dormant but ready for service¹.

In addition, a definition should be included in the Final Order for dead fiber as follows:

(ii) *Dead Fiber*. Dead fiber is defined as fiber that is not continuously connected end-to-end at fiber distribution frames or opto-electronic devices and is, therefore, not in place and easily called into service. Dead fiber is not subject to unbundling under section 251 (c)(3) of the Act.

FTTH Definitions

The language for the Final Order will give effect to the FCC’s February 20 decision regarding FTTH. This proposed language for the Order is designed to give the maximum level of regulatory incentive for ILECs to invest in FTTH within the bounds of the FCC’s decision.

(a) *New build/greenfield FTTH loop obligation*. An incumbent LEC shall not be required to provide access, in accordance with section 251 (c)(3) of the Act, to the new build/greenfield FTTH loop.

(b) *Overbuild/brownfield FTTH loop obligation*. An incumbent LEC shall not be required to provide access, in accordance with section 251 (c)(3) of the Act, to the overbuild/brownfield FTTH loop for the provision of broadband service. Where an overbuild/brownfield FTTH loop is deployed, an incumbent must, at its sole discretion, either maintain the existing copper loop and provide access to it under section 251 (c)(3), or if the existing copper loop is retired, provide such access to the overbuild/brownfield FTTH loop for the provision of narrowband service.

¹ *Local Competition Third Order and Report*, 15 FCC Red 3996, para. 174 (1999).

(1) *Fiber to the Home (FTTH) loop*. A FTTH loop is defined as a transmission facility that consists of a continuous fiber optic connection and/or transmission path between a distribution frame (or its equivalent) in the incumbent LEC central office and the loop demarcation point and/or serving terminal at the mass market end-user customer premise. The FTTH loop includes all the features, functions, and capabilities of such a transmission facility.

(2) *Greenfield*. A “greenfield” situation exists where an ILEC must deploy FTTH loop to meet retail service demands where no ILEC facilities already exist to meet such service demands. Greenfield situations would include, *inter alia*, the following:

- (i) New subdivisions and developments;
- (ii) Additional phases of new construction in existing developments;
- (iii) New construction to serve a specific location in an existing serving area;
- (iv) New land use requiring the complete removal of existing facilities such as changing use of a building from business to residential or from single occupancy to multiple occupancy, or demolishing an existing structure and constructing a new structure;
- (v) Major additions and re-arrangements to a location resulting from, but not limited to, acts of God requiring major replacement of existing facilities or conversion of existing developments to a new use (e.g., urban renewal); and
- (vi) Existing locations where other providers have facilities in place, and where the incumbent LEC subsequently must deploy new facilities to meet its provider of last resort obligations.

(3) *New build/greenfield FTTH loop*. A new build/greenfield FTTH loop is defined as a FTTH loop deployed in a “greenfield” situation.

(4) *Overbuild/brownfield FTTH loop*. An overbuild/brownfield FTTH loop is defined as a FTTH loop deployed to serve an end-user customer that is currently being served by the incumbent LEC over existing facilities in what are not “greenfield” situations.

(5) *Narrowband service*. Narrowband service is defined as a transmission facility that transmits no more than 64 kilobits per second.

(6) *Broadband service*. Broadband service is defined as a transmission facility that transmits in excess of 64 kilobits per second.

(7) *Enterprise market.* An end-user customer served by 24 or more voice circuits.

(8) *Mass market end-user customer premise.* A mass market end-user customer premise is defined as any building used by an end-user customer who is not in the “enterprise market.”